



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 26, 2018

BY ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Andreea Dumitru*, S1 18 Cr. 243 (LAK)

Dear Judge Kaplan:

The Government writes in response to the defendant's application for bail pending sentencing (Dkt. Nos. 68, 70), in order to clarify certain issues raised by the defendant.

First, the defendant asserts that she is a cooperating witness with the New York Attorney General's Office (the "NYAG"). The Government has conferred with one of the NYAG prosecutors responsible for handling the defendant's prosecution for criminal tax fraud in connection with her employment as the chief financial officer for a taxi company. The Government has learned that, under the terms of the defendant's plea agreement with the NYAG, she is required to assist the NYAG in its civil monetary recovery efforts. The Government has confirmed that the defendant is not cooperating in any criminal investigation or prosecution, nor is she required to do so under the terms of her plea agreement. In short, although she is required to cooperate with the NYAG's efforts to recover certain assets in civil proceedings, she is not a cooperating defendant in the traditional use of the term.

Second, the defendant states that she proffered with the Government. As the Government informed the Court following the entry of the jury's verdict, the defendant attended one proffer session with the Government. The Government terminated the meeting because the defendant persistently lied about the offense conduct that is the subject of this case. The Government found the defendant to be incredible. Although the Government continues to believe that the defendant's attendance at this proffer has no bearing on her application for bail, to the extent the defendant continues to advance this as a basis for granting bail, the Government submits that the defendant's willingness to lie to prosecutors and federal law enforcement agents is not a factor that weighs in favor of bail.

Third, the defendant notes that she has surrendered two passports: one from the United States, and one from Romania. The Government does not know whether there are any restrictions that would bar the defendant from obtaining new Romanian travel documents from a Romanian


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consulate. The Government is not aware of any legal impediment that would bar the Romanian government from issuing any such documents.

Respectfully submitted,

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